



December 2, 2016

Via ECFS

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: WC Docket No. 11-42
Forbearance Notification for Birch Communications of Kentucky, LLC**

Dear Secretary Dortch:

Birch Communications of Kentucky, LLC ("Birch") respectfully submits this Forbearance Notification pursuant to the *Lifeline Modernization Order* issued by the Federal Communications Commission ("Commission") on April 27, 2016¹ and in accordance with the guidance contained in the Commission's *Forbearance Notification Public Notice* issued on November 22, 2016.²

In the *Lifeline Modernization Order*, the Commission designated broadband Internet access service ("BIAS") as a Lifeline-supported service, but also forbore from requiring certain types of eligible telecommunications carriers ("ETCs") to offer Lifeline-supported BIAS services.³ Specifically, for ETCs that are high-cost recipients, the Commission forbore from requiring those entities to offer Lifeline-supported BIAS in areas where they do not receive high-cost support or do not commercially offer broadband services that meet the Lifeline minimum service standards.⁴ The Commission determined that any high-cost recipient seeking to avail itself of forbearance relief must notify the Commission of that decision by December 2, 2016.⁵

Birch provides service in Kentucky only. Birch was designated as an ETC by the Kentucky Public Service Commission for both high-cost and Lifeline support. Birch does not provide BIAS in any area of Kentucky and has no plans to provide Lifeline-supported BIAS in any of the Census blocks where Birch currently offers voice service in Kentucky. Accordingly,

¹ *Lifeline and Link Up Reform and Modernization, et al.*, 31 FCC Rcd 3962 (2016) ("*Lifeline Modernization Order*").

² WC Docket No. 11-42, *Wireline Competition Bureau Provides Guidance Regarding Filing Procedures for Eligible Telecommunications Carriers Seeking to Invoke Forbearance Granted by Lifeline Modernization Order*, Public Notice, DA 16-1316 (rel. Nov. 22, 2016) ("*Forbearance Notification Public Notice*").

³ *Lifeline Modernization Order* ¶¶ 30-32.

⁴ *Lifeline Modernization Order* ¶¶ 311-12.

⁵ *Lifeline Modernization Order* ¶¶ 301, 313; *Forbearance Notification Public Notice* at 3.


Birch seeks to avail itself of the blanket forbearance relief granted to high-cost recipients in the *Lifeline Modernization Order*. In accordance with the *Forbearance Notification Public Notice*, Birch provides the following information:

- a. Carrier Name: Birch Communications of Kentucky, LLC; FCC Filer ID 829851; Study Area Code 269001.
- b. ETC Designation Information: The Kentucky Public Service Commission designated Birch as an ETC for both high-cost support and Lifeline support via an order dated August 12, 2013 in Case No. 2013-00296. A copy of this order is included as Attachment A.
- c. Areas Where ETC Seeks Forbearance: Birch provides in Attachment B an Excel spreadsheet listing each Census block and associated FIPS Code where Birch is availing itself of forbearance relief.
- d. Date and Reason for Change: Not applicable.
- e. Signature and Contact Information for ETC's Authorized Representative: The signature of Birch's authorized representative, David Gibson, is set forth below. If the Commission has questions regarding this Forbearance Notification, please contact (1) Sharyl Fowler, Lifeline Compliance Manager, sharyl.fowler@birch.com, 478-476-1165; or (2) Angela Collins, Outside Counsel to Birch, acollins@cahill.com, 202-862-8930.
- f. Optional Information on Areas Where Carrier Elects to Offer BIAS: At this time, Birch does not intend to offer Lifeline-supported BIAS in any of the areas for which it is availing itself of forbearance relief.

As required by the *Forbearance Notification Public Notice*, a copy of this Forbearance Notification is being filed in WC Docket No. 11-42, and a copy is being provided to the Universal Service Administrative Company.

If you have any questions regarding this filing, please contact one of the individuals indicated above.

Respectfully submitted,



David Gibson
Vice President Business Development &
Product Development
Birch Communications of Kentucky, LLC

Attachments